



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jan Zavada et al.

Group: 180

Serial No.: 07/964,589

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Examiner: K. Furman

For : MN Gene and Protein

DECLARATION UNDER MPEP 715.01(c)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

We, Drs. Jan Zavada, Jaromir Pastorek and Silvia
Pastorekova, declare as follows.

1. Dr. Zavada is on the research faculty at the Institute of Molecular Genetics of the Academy of Sciences of the Czech Republic in Prague. Drs. Pastorek and Pastorekova are on the research faculty at the Institute of Virology of the Slovak Academy of Sciences in Bratislava, Slovak Republic. However, at the time the inventions described in the above-identified application were made, all of us were members of the research faculty at the Institute of Virology.

2. We are the inventors of the invention disclosed and claimed in the above-identified patent application. We declare that all three of us are the inventors of each of the aspects of the invention claimed in the subject application, including those of Claims 1, 3, 5-8, 13-18, 53, 83, 84 and 86-91.

3. Drs. Zavada and Pastorekova are listed as co-authors on the article Pastorekova et al., "A Novel Quasi-viral

Agent, MaTu, Is a Two-Component System," Virology, 187: 620-626 (1992) (hereinafter cited as "Pastorekova et al."). Although Dr. Pastorek was not listed as a co-author of that article, Dr. Pastorek is a co-inventor of the inventive subject matter described in Pastorekova et al.

4. Dr. Pastorek was involved with Drs. Zavada and Pastorekova in the conception and reduction to practice of the inventive subject matter described in Pastorekova et al. For example, the three of us collaborated in developing the screening protocols for finding monoclonal antibodies immunospecific for p58 that had been "immunoprecipitated from cell extracts of MaTu-infected HeLa with rabbit anti-MaTu serum and protein A-Staphylococcus aureus cells (SAC). . . ." [Pastorekova et al., page 621, column 1, lines 2-4.] One specific suggestion of Dr. Pastorek was that the p58 be "eluted from SDS-PAGE gels" [Pastorekova et al., page 621, lines 5-6] for use as antigen for screening monoclonal antibodies. That step turned out to be important in the screening process for finding the M-75 monoclonal antibody which is specific for the MN p54/58 twin protein.

5. Dr. Pastorek was not listed as a co-author on Pastorekova et al., basically because he was not physically present at the Institute of Virology at the time that the M-75 monoclonal antibodies were being generated. Dr. Pastorek at that time was in the United Kingdom on a fellowship working on a research project unrelated to MN. However, he was still an

Institute of Virology employee during that fellowship period, and was in constant communication with Drs. Pastorekova and Zavada concerning MN. Thus, although Dr. Pastorek was intellectually involved with the Pastorekova et al. subject matter, he was not physically present in the laboratory at the time the experiments described in Pastorekova et al. were being performed, and the Pastorekova et al. manuscript was being written.

6. Further, we hereby declare further that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Dated: May 13, 1994

Jan Zavada
JAN ZAVADA

Dated: May 9, 1994

Jaromir Pastorek
JAROMIR PASTOREK

Dated: May 9, 1994

Silvia Pastorek
SILVIA PASTOREKOVA